

documents (originals) and microforms. NARA must approve the schedule, SF 115, Request for Records Disposition Authority, in accordance with part 1225 of this subchapter before any records, including source documents, may be destroyed.

(1) Agencies that comply with the standards in §1238.14 must include on the SF 115 the following certification: “This certifies that the records described on this form were (or will be) microfilmed in accordance with the standards set forth in 36 CFR part 1238.”

(2) Agencies using microfilming methods, materials, and procedures that do not meet the standards in §1238.14(a) must include on the SF 115 a description of the system and standards used.

(3) When an agency intends to retain the silver original microforms of permanent records and destroy the original records, the agency must certify in writing on the SF 115 that the microform will be stored in compliance with the standards of §1238.20 and inspected as required by §1238.22.

(b) *Temporary records.* Agencies do not need to obtain additional NARA approval when destroying scheduled temporary records that have been microfilmed. The same approved retention period for temporary records is applied to microform copies of these records. The original records can be destroyed once microfilm is verified, unless legal or other requirements prevent their early destruction.

PART 1239—PROGRAM ASSISTANCE AND INSPECTIONS

Subpart A—General

Sec.

1239.1 What is the scope of this part?

1239.2 What are the authorities for part 1239?

1239.3 What definitions apply to this part?

1239.4 What standards are used as guidance for this part?

Subpart B—Program Assistance

1239.10 What program assistance does NARA provide?

1239.12 Whom may agencies contact to request assistance?

Subpart C—Inspections

1239.20 When will NARA undertake an inspection?

1239.22 How does NARA notify the agency of the inspection?

1239.24 How does NARA conduct an inspection?

1239.26 What are an agency's follow up obligations for an inspection report?

AUTHORITY: 44 U.S.C. 2904 and 2906.

SOURCE: 74 FR 51014, Oct. 2, 2009, unless otherwise noted.

Subpart A—General

§ 1239.1 What is the scope of this part?

NARA's statutory authorities include assisting agencies in carrying out their records management responsibilities and, when necessary, inspecting agency programs and reporting to Congress on those inspections. Part 1239 identifies the types of records management guidance and program assistance NARA provides to agencies under its 44 U.S.C. chapter 29 mandate; the conditions under which NARA will invoke its inspection authority, also under chapter 29; and the requirements for agencies to cooperate fully in such inspections.

§ 1239.2 What are the authorities for part 1239?

The authorities for this part are 44 U.S.C. 2904 and 2906.

§ 1239.3 What definitions apply to this part?

(a) See §1220.18 of this subchapter for definitions of terms used in part 1239.

(b) As used in part 1239—

Inspection means a formal review and report by NARA under 44 U.S.C. 2904(c) and 2906(a) of an agency's record-keeping processes that focus on significant records management problems affecting records at risk that meet one or more of the following criteria:

(1) Have a direct and high impact on legal rights or government accountability;

(2) Are the subject of high profile litigation, Congressional attention, or widespread media coverage;

(3) Have high research potential; or

(4) Are permanent records with a large volume, regardless of format.

§ 1239.4 What standards are used as guidance for this part?

These regulations conform with guidance provided in ISO 15489–1:2001. Paragraphs 7.1, Principles of records management programmes, and 10, Monitoring and auditing, apply to this part.

Subpart B—Program Assistance

§ 1239.10 What program assistance does NARA provide?

(a) NARA publishes handbooks, conducts workshops and other training sessions, and furnishes information and guidance to Federal agencies about the creation of records, their maintenance and use, and their disposition. NARA also may conduct a targeted assistance project in cooperation with an agency to address a serious records management issue in the agency.

(b) Information on NARA handbooks and guidance is available at <http://www.archives.gov/records-mgmt/>.

(c) Information on NARA training is available at <http://www.archives.gov/records-mgmt/training/>.

§ 1239.12 Whom may agencies contact to request program assistance?

Agencies in the Washington, DC, area desiring information or assistance related to any of the areas covered by subchapter B may contact the National Archives and Records Administration, Life Cycle Management Division (NWML), 8601 Adelphi Rd., College Park, MD 20740–6001, phone number 301–837–1738. Agency field organizations may contact the appropriate NARA Regional Administrator regarding records management assistance, including for records in or scheduled for transfer to the records center or the archival operations within the region.

Subpart C—Inspections

§ 1239.20 When will NARA undertake an inspection?

NARA may undertake an inspection when an agency fails to address specific records management problems involving high risk to significant records. Problems may be identified through a risk assessment or through other means, such as reports in the media,

Congressional inquiries, allegations of unauthorized destruction, reports issued by the GAO or an agency's Inspector General, or observations by NARA staff members. Inspections will be undertaken when other NARA program assistance efforts (see § 1239.10) have failed to mitigate situations where there is a high risk of loss of significant records, or when NARA agrees to a request from the agency head that NARA conduct an inspection to address specific significant records management issues in the agency. NARA reports to Congress and the Office of Management and Budget on inspections in accordance with 44 U.S.C. 2904.

§ 1239.22 How does NARA notify the agency of the inspection?

(a) Once NARA identifies the need to conduct an agency inspection, the Archivist of the United States sends a letter to the head of the agency. If the agency being inspected is a component of a cabinet department, the letter will be addressed to the head of the component, with a copy sent to the head of the department. NARA will also send copies to the agency's records officer. The letter will include:

(1) Notification that NARA intends to conduct an inspection, the records that will be inspected, and the issues to be addressed;

(2) A beginning date for the inspection that is no more than 30 days after the date of the letter; and

(3) A request that the agency appoint a point of contact who will assist NARA in conducting the inspection.

(b) If the agency does not respond to NARA's notification letter, NARA will use its statutory authority under 44 U.S.C. 2904(c)(8) to report the matter to the agency's congressional oversight committee and to the Office of Management and Budget.

§ 1239.24 How does NARA conduct an inspection?

(a) The NARA inspection team leader will coordinate with the agency point of contact to arrange an initial meeting with the agency. The initial meeting will address such matters as the parameters of the inspection, any surveys or other inspection instruments, the

National Archives and Records Administration

§ 1239.26

offices to be visited, and the timing of site visits.

(b) After the inspection is complete, NARA will prepare a draft inspection report and transmit it to the agency within 45 calendar days of the last site visit. The report will include:

- (1) An executive summary;
- (2) Background and purpose of inspection;
- (3) Inspection methodology, including offices visited;
- (4) Findings;
- (5) Corrective actions needed and other recommendations; and
- (6) Any necessary appendixes, such as summaries of each site visit or the inspection instrument.

(c) The draft report is sent to the agency for review, with a response deadline of 45 days.

(d) NARA will incorporate any necessary corrections or revisions in the

final report and issue the report to the head of the agency within 45 days.

§ 1239.26 What are an agency's follow up obligations for an inspection report?

The agency must submit a plan of corrective action that specifies how the agency will address each inspection report recommendation, including a timeline for completion, and proposed progress reporting dates. The agency must submit the plan of corrective action to NARA within 60 days of transmission of the final report. NARA may take up to 60 days to review and comment on the plan. Once the plan is agreed upon by both sides, agencies must submit progress reports to NARA until all actions are completed.

PARTS 1240–1249 [RESERVED]